

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE DETROIT
CARPENTERS FRINGE BENEFIT FUNDS,

Plaintiff,

Case No. 05-60286

v.

Hon. John Corbett O'Meara

LEO J. HEIN CONSTRUCTION, INC.,
a Michigan corporation, and
LEO J. HEIN, an individual,

Defendants.

ORDER OF PARTIAL DISMISSAL

On December 15, 2005, Plaintiff filed its complaint, which sets forth two counts: Count I alleges violations of 29 U.S.C. § 1132 (ERISA), and Count II alleges violations of the Michigan Builders Trust Fund Act, M.C.L. § 570.151 *et seq.* Although Plaintiff's ERISA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's Michigan Builders Trust Fund Act claim arises under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiff does not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claim.

Accordingly, **IT IS HEREBY ORDERED** that Count II of Plaintiff's complaint is
DISMISSED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: January 24, 2006